IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WA.No. 937 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.7189/2007 Dated 22/03/2007
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APPELLANT: PETITIONERS
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1. HEMACHANDRAN, AGED 32,
S/O.K.RAVEENDRANATHAN PILLAI, REMALAYAM,
THOLICODU P.O., PUNALUR, KOLLAM.

2. MOHANAN, S/O.BALAKRISHNAN,
AGED 45, ANEESH BHAVAN, THOLICODE P.O,
PUNALUR.

BY ADV. SRI.V.V.RAJA
SRI.R.RENJITH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPART. OF LOCAL SELF GOVT.,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PUNALUR MUNICIPALITY REPRESENTED
BY ITS SECRETARY, MUNICIPAL OFFICE,
PUNALUR, KOLLAM.

3. THE KERALA STATE POLLUTION CONTROL
BOARD, DISTRICT OFFICE, KOLLAM REPRESENTED
BY ITS SECRETARY.

R1 BY SHRI P.A.SALIM, GOVERNMENT PLEADER
SRI.B.KRISHNAMANI
R3 SRI.M.K.CHANDRAMOHAN DAS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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Municipality shall not commission the L.P.G. Crematorium till 30.4.2007 so that petitioner can approach the civil court. Learned judge refused to exercise the jurisdiction vested under Article 226 of the Constitution of India.

We are of the opinion that there is no patent illegality in the judgment impugned. It is for the petitioner to approach the civil court and get appropriate orders. However, in view of the impending vacation, we direct that the crematorium shall not be operated till 30.5.2007. Meanwhile, the petitioner will be free to approach the civil court.

The writ appeal is disposed of with the above observations.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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